

## RESOLUTION NO. 18-8568

### A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING THE ANNUAL REPORT OF THE ADVISORY BOARD OF THE SANTA CLARA TOURISM IMPROVEMENT DISTRICT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE DISTRICT, AND TO FIX A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENT FOR THE 2018/2019 FISCAL YEAR

#### BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

**WHEREAS**, tourism is a large contributor to the City's economy, and promotion of the City's scenic, recreational, cultural, and other attractions as a tourist destination is an important public purpose; and

**WHEREAS**, the Parking and Business Improvement Area Law of 1989 ("PBIAL"), sections 36500 et seq. of the Streets and Highways Code, authorizes cities to establish business improvement districts for several purposes, one of which is promotion of tourism; and

**WHEREAS**, the Santa Clara Tourism Improvement District ("TID") was established in January 2005, by adoption of Article IX entitled "Santa Clara Tourism Improvement District" of Chapter 16.10 of the Santa Clara Municipal Code ("SCCC"), and is generally located in the northern portion of the city, as more particularly described in Resolution No. 7176; and

**WHEREAS**, in accordance with the requirements of Streets and Highways Code Section 36530, an Advisory Board was established to make recommendations to the City Council regarding the expenditure of revenues derived from the levy of assessments, on the classification of businesses, as applicable, and on the method and basis of levying the assessments; and

**WHEREAS**, the SCCC and the PBIAL require the Advisory Board to prepare and submit an annual report ("Annual Report") stating proposed changes, improvements and activities for the fiscal year, an estimate of the cost of providing the improvements and the activities for the year, the method and basis of levying the assessment, the amount of any surplus or deficit revenues to be carried over from the previous fiscal year, and the amount of any contributions to be made from sources other than assessments; and

**WHEREAS**, on June 5, 2018, the Advisory Board approved the Annual Report, which has been filed with the City Clerk, and provides a full and detailed description of the improvements and activities to be provided for fiscal year 2018/19, the boundaries of the area and any benefit zones within the area, and the proposed assessments to be levied upon the businesses within the area for the fiscal year.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the City Council hereby declares its intention to continue the TID without any change to the boundaries, or in any benefit zone within the area, in accordance with the Annual Report approved by the Advisory Board.
2. That the City Council hereby declares its intention to levy and collect assessments within the TID for fiscal year 2018/19.
3. That, generally, the types of activities proposed to be funded by the continued levy of assessments on businesses in the TID are marketing and advertising activities that will promote tourism, as set forth in SCCC 16.10.1160.
4. That the assessment is not proposed to be increased and will remain \$1.00 per occupied room per night for all transient occupancies.
5. That a public hearing to renew the annual levy for the TID is hereby set for August 28, 2018 at 7:00 p.m. before the City Council of the City of Santa Clara at the Santa Clara Council Chambers, 1500 Warburton Street, Santa Clara, California.
6. That at the public hearing, the testimony of all interested persons, for or against the continuation of the District, the boundaries of the District, the area of benefit within the District, the assessments to be levied, or the furnishing of specified types of improvements or activities, will be heard. A protest may be made orally or in writing by any interested person. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which the

objection is made. Written protests must be received by the City Clerk at or before the time set for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person subscribing the protest is interested sufficient to identify the business. If the person subscribing is not shown on the official records of the City as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business.

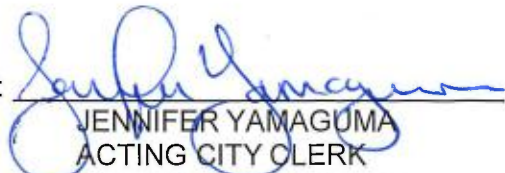
7. That if at the conclusion of the public hearing, there are of record, written protests by the owners of the tourist lodging establishments within the TID that would pay fifty percent (50%) or more of the total assessments of the entire TID, no further proceedings to renew the annual levy for the TID shall occur. New proceedings to form the TID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protests by the City Council. If the majority of written protests are only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the TID.

8. Effective date. This Resolution is effective on its adoption.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 16<sup>th</sup> DAY OF JULY, 2018, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:

  
JENNIFER YAMAGUMA  
ACTING CITY CLERK  
CITY OF SANTA CLARA